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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/726,709

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EXAMINER

NGUYEN, LE V

ART UNIT

PAPER NUMBER

2174

MAIL DATE

DELIVERY MODE

10/09/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No.	Applicant(s)	
	10/726,709	MATSUBAYASHI ET AL.	
	Examiner	Art Unit	
	Le Nguyen	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213:

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) 24-43 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>11/8/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 24-43 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected inventions Groups II and III, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 7/16/07.

Applicant's election with traverse of Inventions Group I in the reply filed on 7/16/07 is acknowledged. The traversal is on the ground(s) that applicant feels that there would not be an undue burden in examining Groups I, II and III in a single application. This is not found persuasive because these inventions are distinct and have acquired separate status in the art as evident by their different classification and divergent subject matter.

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Objections

3. Claim 18 is objected to because of the following informalities: "an area when the element is displayed" of lines 10-11 of page 62 appears to contain a typographical error and will be interpreted to mean: an area *where* the element is displayed. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 2, 4-9, 11, 12, 14-19 and 21-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Hososda et al. ("Hososda").

As per claim 11, Hososda teaches an information processing method of displaying, on a display device, data described in a markup language and including first hierarchical level elements delimited by predetermined tags and second hierarchical level elements which belong to a range or group of elements delimited by the predetermined tags (fig. 6; paragraph [0101]; scene information list in XML with first hierarchical level elements A1 and second hierarchical level elements A2) comprising a receiving step of receiving key-input first or second signals (figs. 3 and 6; paragraph [0095]; signals 22d and 22c), a switching step of switching selection between the first hierarchical level elements or between the second hierarchical level elements when the first signal is received, and switching selection between the first and second hierarchical level elements when the second signal is received and a selected element display step of displaying the selected element on the display device (figs. 3 and 6; paragraphs

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[0094]-[0095]; a selected element display step displays the selected element in display area A3).

As per claim 12, Hososda teaches an information processing method of displaying, on a display device, data described in a markup language and including first hierarchical level elements delimited by predetermined tags and second hierarchical level elements which belong to a range delimited by the predetermined tags wherein the data described in a markup language is a digital broadcasting data (paragraphs [0038], [0091] and [0167]).

As per claim 14, Hososda teaches an information processing method of displaying, on a display device, data described in a markup language and including first hierarchical level elements delimited by predetermined tags and second hierarchical level elements which belong to a range delimited by the predetermined tags wherein when the first or second signal is received, the selected element display step highlights an element to be selected (paragraph [0094]).

Claim 1 is similar in scope to claim 11 and is therefore rejected under similar rationale.

Claim 2 is similar in scope to claim 12 and is therefore rejected under similar rationale.

Claim 4 is similar in scope to claim 14 and is therefore rejected under similar rationale.

As per claim 16, Hososda teaches an information processing method of receiving data described in a markup language and including first hierarchical level elements

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delimited by predetermined tags and second hierarchical level elements which belong to a range or group of elements delimited by the predetermined tags, and displaying the received data on a display device comprising an identification step of identifying an information amount contained in each of the elements (fig. 6; paragraph [0101]; scene information list in XML with first hierarchical level elements A1 and second hierarchical level elements A2), a receiving step of receiving key-input first or second signals (figs. 3 and 6; paragraph [0095]; signals 22d and 22c), a switching step of switching selection between the first hierarchical level elements or between the second hierarchical level elements on the basis of the identified information amount when the first signal is received, and switching selection between the first and second hierarchical level elements when the second signal is received and a selected element display step of displaying the selected element on the display device (figs. 3 and 6; paragraphs [0094]-[0095]; a selected element display step displays the selected element in display area A3).

As per claim 17, Hososda teaches a control program for allowing a computer to implement an information processing method and an information processing method of receiving data described in a markup language and including first hierarchical level elements delimited by predetermined tags and second hierarchical level elements which belong to a range delimited by the predetermined tags, and displaying the received data on a display device wherein the data described in a markup language is a digital broadcasting data (paragraphs [0038], [0091] and [0167]).

As per claim 18, Hososda teaches a control program for allowing a computer to implement an information processing method and an information processing method of receiving data described in a markup language and including first hierarchical level elements delimited by predetermined tags and second hierarchical level elements which belong to a range delimited by the predetermined tags, and displaying the received data on a display device wherein the information amount contained in each element is an area where the element is displayed (fig. 6; inherent given that elements displayed require display area).

As per claim 19, Hososda teaches a control program for allowing a computer to implement an information processing method and an information processing method of receiving data described in a markup language and including first hierarchical level elements delimited by predetermined tags and second hierarchical level elements which belong to a range delimited by the predetermined tags, and displaying the received data on a display device wherein the information amount contained in each element is the number of characters contained in the element (fig. 6; e.g. titles displayed).

As per claim 21, Hososda teaches a control program for allowing a computer to implement an information processing method and an information processing method (fig. 6; paragraph [0101]).

As per claim 23, Hososda teaches a control program for allowing a computer to implement an information processing method and an information processing method (fig. 6; paragraph [0101]).

Claim 5 is similar in scope to claim 16 and is therefore rejected under similar rationale.

Claim 6 is similar in scope to claim 23 and is therefore rejected under similar rationale.

Claim 15 is similar in scope to claim 16 and is therefore rejected under similar rationale.

Claim 22 is similar in scope to claim 23 and is therefore rejected under similar rationale.

Claim 7 is similar in scope to claim 17 and is therefore rejected under similar rationale.

Claim 8 is similar in scope to claim 18 and is therefore rejected under similar rationale.

Claim 9 is similar in scope to claim 19 and is therefore rejected under similar rationale.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hososda et al. ("Hososda") in view of West et al. ("West").

As per claim 13, although Hososda teaches a control program for allowing a computer to implement an information processing method and an information processing method of displaying, on a display device, data described in a markup language and including first hierarchical level elements delimited by predetermined tags and second hierarchical level elements which belong to a range delimited by the predetermined tags wherein if the selected element is a first hierarchical level element, said selected element display unit highlights selected element(s) (paragraph [0094]), Hososda does not explicitly disclose highlighting all the first hierarchical level elements. West teaches highlighting all the first hierarchical level elements (fig. 11A; paragraphs [0108]-[0110]). It would have been obvious to an artisan at the time of the invention to incorporate the method of West with the method of Hososda in order to provide users with a visual indication of items that are selectable.

Claim 3 is similar in scope to claim 13 and is therefore rejected under similar rationale.

8. Claims 10 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hososda et al. ("Hososda").

As per claim 20, although Hososda teaches a control program for allowing a computer to implement an information processing method and an information processing method of receiving data described in a markup language and including first hierarchical level elements delimited by predetermined tags and second hierarchical level elements which belong to a range delimited by the predetermined tags, and displaying the received data on a display device comprising the amount of storage required for each element (fig. 6;

elements displayed require storage), Hososda does not explicitly disclose the information amount contained in each element is the number of bytes of data contained in the element. Official Notice is taken that an element having a number of bytes of data contained in the element is well known in the art. It would have been obvious to an artisan at the time of the invention to incorporate an element having a number of bytes of data contained in the element to the method of Hososda in order to encompass older systems given that bytes fit into the natural width of the CPU register of these older systems.

Claim 10 is similar in scope to claim 20 and is therefore rejected under similar rationale.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Oashi et al. (US 6,427,150 B1) teach a system and method for digital data communication (figs. 39-40).

Luehrs (US 2003/0163811 A1) teaches positive parental control.

Chor et al. (US 6,141,003) teach a channel bar interface for an entertainment system receiving digital broadcast data displayed in an HTML browser.

Goldman (US 6,928,652 B1) teaches a method and apparatus for displaying HTML and video simultaneously.

Saito et al. (US 2002/0157094 A1) teach a display control apparatus written in HTML and BML (fig. 16; paragraph [0093]).

Inquires

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Lê Nguyen whose telephone number is **(571) 272-4068**. The examiner can normally be reached on Monday - Friday from 7:00 am to 3:30 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached at (571) 272-4063.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

lvn
Patent Examiner
September 24, 2007

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